MINUTES OF THE MEETING OF THE COMMISSION OF FINE ARTS
16 March 1965

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MINUTES OF THE MEETING OF THE COMMISSION OF FINE ARTS
HELD IN WASHINGTON, D.C.

I. CONVENE, ROOM 7000, INTERIOR DEPARTMENT BUILDING

A regular meeting of the Commission of Fine Arts was held in its offices in the Interior Department Building on 16 March 1965. The members met, pursuant to notice, in executive session at 10:30 with William Walton, Chairman, presiding.

Present were: Members: William Walton
Gordon Bunshaft
Burnham Kelly
Theodore Roszak
Aline Saarinen
John Carl Warnecke

Staff: C.H.Atherton, Secretary
Paul Richard, Administrative Asst.
Nancy Coyne, Legislative Asst.
Myra Younker, Editor

NCPC: Arnall T. Connell
Donald Jackson

Recorder: Josephine Kiebler

II. ADMINISTRATION

1. Date of Next Meeting

The Commission decided to hold its next meeting on 13-14 April and the last two meetings of the Fiscal Year on 25-26 May and 22-23 June 1965.

2. Approval of Minutes of February 1965 Meeting

The minutes of the February meeting were distributed to the members for review. Final action was withheld until the following day.

3. Proposed Amendments to Building Code; Projections Into Public Space

The Secretary introduced the proposed Amendments to the Building Code which would provide for projections into public spaces. An amendment with this specific provision was required to permit construction of the Office Building, 12th Street and Pennsylvania Avenue, N.W. This building was designed to project over 12th Street to acquire space which was lost in adhering to the requirement of a 50 foot setback as established in the Pennsylvania Avenue Plan.

b. Enlisted Men's Service Club

Site and floor plans, perspective of and model for the Enlisted Men's Service Club and Branch PX were developed by Hayes, Seay, Mattern and Mattern, architects. This permanent type, single-story building would be near enlisted personnel barracks and mess hall on a slope which permitted floors at two levels. Maintaining an even roofline, higher ceiling heights were possible for dining, ballroom and stage. The building would be constructed of brick, concrete, aluminum and glass.

c. NCO Family Housing, Fort Myer

Site and floor plans, perspective drawings and model, were developed by Keyes, Lethbridge and Condon, architects, for the Non-Commissioned Officers Family Housing for 120 Units, located in the southern part of Fort Myer grounds. Row house units and twelve story apartments were considered more desirable by the architects than a development of all high-rise apartments. Surface parking areas were depressed below the surrounding grade level and bordered by walled courtyards of row house units.

The members found the master plan submitted unacceptable. They noted that it seemed to ignore the presence of Arlington Cemetery. The plan also failed to demonstrate any clear, three-dimensional architectural idea. A new master plan, showing the relation to adjacent properties, should be submitted before any of the buildings could be considered in detail. The uneven terrain and the site adjacent to Arlington Cemetery required a more thorough approach to the development of the area. They suggested that the Department of the Army be encouraged to repeat the success the Department of the Navy had when it contracted an outstanding architect/planner to develop the plans for the entire Anacostia/Bolling area.

Final solutions on the three projects were withheld until a meeting with architects and offices of the Department of the Army on the following day.

2. Department of the Navy

a. Development of Washington Navy Yard

Mr. Atherton stated that the Department of the Navy was making a planning study for the development of the Washington Navy Yard. The plan will be according to the long range area environment and preservation of historic features. Engaging a consulting architect-engineer for this study, the Area Public Works Officer, Department of the Navy, will request the advice and comments of the Commission of Fine Arts on the plans developed from this study.

No action was required.

b. 1500 Man Dormitory, Bolling/Anacostia-Revised Design (presented with the following project)

c. 300 Units of Family Housing, Bolling/Anacostia-Revised Design

Mr. Richard explained the changes in these two projects developed by Vincent L. Kling, architect, for the Bolling/Anacostia Cantonment. A 600 man chapel had been added, the dormitories had central elevator halls and a cornice trim added.

Final action was withheld until a conference with the architect and officials of the Navy on the following day.

3. District of Columbia Government

a. Department of Highways and Traffic

(1) H Street, N.E., Underpass - Proposed Design

The Secretary presented plans for the renovation of the H Street, N.E., Underpass, by Harbeson, Hough, Livingston and Larson, architects, and Gannett, Fleming, Corrdry and Carpenter, engineers. Steel frame structures were planned for the area supporting the railroad tracks. Strip lighting was planned along the ceiling of the two tunnels which would be tiled. Existing stone would be used for the entrance to the two-lane tunnels.

The members withheld final action on this project until a conference with the architects, engineers and officials of the Department of Highways and Traffic on the following day.

(2) Inner Loop Freeway, Center Leg - Proposed Design

The Secretary presented two designs developed by Tippetts, Abbett, McCarthy, Stratton, engineers and architects for the Center Leg of the Inner Loop Freeway, located from D Street to New York Avenue between 2nd and 3rd Streets, N.W., where a large transportation center, parking garage and bus terminal is proposed. Scheme A (limited right-of-way) had vertical walls to be constructed in granite. Scheme B (open cut) had landscaped banks extending at a 30 or 40 degree angle. The cost of the projects would be approximately the same. Any difference would be that in acquiring and landscaping land, and in construction of expensive walls.

The members discussed both schemes with Chairman Walton stating vertical walls would scar the area less than open cut roadway. The members commented that buildings constructed over the highways, according to air rights agreements, were factors to be considered when deciding on a scheme for this portion of the Inner Loop. A vertical cut roadway would create less problems when designing buildings over the roadway.

Final action was withheld until a conference with the engineers and architects and officials of the Department of Highways and Traffic on the following day.

b. Department of Buildings and Grounds

(1) Fire House #9, U Street between 16th and 17th Sts., N.W.- Revised Design

Mr. Paul Richard presented a model and drawings of the revised design for the Fire House #9, U Street between 16th and 17th Sts., N.W. as developed by Walton and Madden, architects. Recommendations of the Commission of Fine Arts made during the February 1965 meeting were incorporated in the design. The clerestory treatment was extended over the entire aparatus room in the center section of the building. The vertical windows at the corner of the front elevation had been eliminated. The members approved the revised design and requested that samples of exterior materials be submitted at a future meeting.

The members' approval and request were reported to the Department of Buildings and Grounds. EXHIBIT A

(2) Junior Village School - Revised Design

Mr. Richard presented a model and drawings of the revised design for the Junior Village School, developed by Victor Spector and Associates, architects. Recommendations of the Commission of Fine Arts made during the February meeting were incorporated in the design. The building was reoriented so as to admit more sunlight in the kindergarten rooms. Entrance to the school was moved from the service and parking facilities area. Retention of trees was permitted by this revised siting. The members questioned the use of so many materials and suggested that the kindergarten unit might be separated from the classroom wing.

Final action was withheld until a conference with the architect on the following day.

(3) Elementary School, Nichols Avenue and Howard Road, S.E. - Proposed Design

Mr. Richard presented a model and drawings of a proposed design for the Elementary School, Nichols Avenue and Howard Road, S.E., as developed by McGaughan and Johnson, architects. Located in the area near St. Elizabeth's Hospital, the school would replace and be larger than the existing building. To construct a larger building and provide playground areas, the District Government had purchased additional land containing old row houses but was unable to purchase an adjacent lot housing an abandoned theater and a large substation of the Potomac Electric Power Company (PEPCO).

The proposed plan would require the children to enter the school through the service/parking area. Classrooms would look out on an alley.

Although these faults had been mentioned by the staff of the Commission during a conference with the architect and District officials, the drawings submitted retained them. The members of the Commission agreed that the design and the site of the building would have to be restudied.

Final action was withheld until a conference with the architect on the following day.

4. D.C. Redevelopment Land Agency

Tenth Street Mall - Revised Design

The Secretary presented drawings for the revised design of the Tenth Street Mall, developed by Wright, Andrade and Gane, architects. Changes in the design, recommended by the Commission, included the extension of the water area along the Mall and additional lighting standards giving some definition to the design. Although the members stressed the need for trees as a design element and a provision for shade, the plan offered no opportunity for trees other than potted trees.

The members commented and stressed again the need to coordinate the project's design with the architects and agencies involved in the construction of adjacent buildings. They recommended that action should be withheld until the design had been coordinated as stated.

5. Department of the Interior, National Park Service, National Capital Region

Lafayette Park Redevelopment - Revised Design

Mr. Warnecke was not present during the discussion of Lafayette Park Redevelopment.

The Secretary presented drawings prepared by John Carl Warnecke and Associates, architects, for the redevelopment of Lafayette Park. During the 24 June 1964 meeting, the members had discussed the design for Lafayette Park and suggested that more of the existing trees be retained. They felt the cross axis should be implied rather than specifically stated and that the lighting should be evenly distributed rather than concentrated along Madison and Jackson Place. The members noted that more of the existing trees had

The Secretary prepared a letter for the Chairman's signature to the Director, Redevelopment Land Agency, explaining the Panel's views and recommendations that the plan be coordinated with plans of adjacent Squares.

been retained, specifically the large magnolia in the cross-axis. The Chairman commented that previous planting in the park had been at random, thus establishing the informal character of the park.

Final action was withheld until Mr. Sasaki, landscape architect member, and a staff member of John Carl Warnecke and associates, could attend a discussion of this project.

The Secretary prepared a letter for the Chairman's signature to the National Park Service requesting more detailed drawings of existing conditions and proposed changes in the Park's design, and asked that a staff member of the architectural firm attend the Commission's meeting during the discussion of this project. EXHIBIT B

6. National Institutes of Health

Refrigeration Building - Revised Design

Mr. Richard presented a master site plan of the National Institutes of Health campus, a site plan for the proposed Refrigeration Building, a rendering of the proposed design, elevation drawings, and a resume of the program requirements prepared by H.D. Nottingham and Associates, architects. This material had been requested by the members during the February meeting to permit a more thorough review. Having questioned the site for this building in an open green area, the members were informed that economic conditions required that this refrigeration building be placed in an area otherwise reserved for laboratories and office buildings. A 42 inch main would be required to feed the proposed laboratory if the refrigeration buildingwere located in the pre-established utilities area.

The members of the Commission could not accept this reasoning. They maintained that additional operational and maintenance costs would be eliminated if all service facilities were in one area. The establishment of a secondary utilities area was considered unwarrented.

Final action was withheld until a conference with officials of the National Institutes of Health and the architects on the following day.

7. Department of State

Estimate of Replica of Saint Gaudens Statue of Lincoln, Lincoln Park, Chicago, for Gift to Mexico

The Secretary presented a request from the Department of State for a detailed estimate of costs for preparing a replica of the Saint Gaudens' statue of Lincoln for a gift to the people of Mexico from the United States. He had discussed this request with Mr. Roszak, sculptor member of the Commission, and Mr. Felix W. de Weldon, former sculptor

member. Both sculptors stated that an accurate estimate was impossible without seeing the statue, inspecting the foundry, and knowing other aspects of the project. The members recommended that the Department of State have professionals to advise them on all aspects of this projects, and suggested that well-known foundries be contacted for detailed cost estimates.

8. General Services Administration

Selection of Artist for Mural at Camden, S.C., Post Office

Mr. Richard presented a request from General Services Administration for advice in selecting an artist for an historic mural in the lobby of the Post Office, Camden, South Carolina. Photographs of murals designed by Gilmer Petroff and William Halsey were reviewed. The members felt that neither artist was suitable for this project and requested that samples of other artists' work be submitted.

The Secretary prepared a letter for the Chairman's signature to the Administrator of General Services Administrating advising him of the Commission's disapproval of these artists and request. EXHIBIT C

9. District of Columbia Government, Department of Licenses and Inspections

a. Shipstead-Luce Act

(1) S.L. 65-108, 704 17th St., N.W. - Office Building

The Secretary presented a sample of aggregate in a subdued tone of beige, selected by Edwin Weihe, architect, for exterior material for the Office Building at 17th Street and Pennsylvania Avenue, N.W. The members requested that a panel of this material be erected on the site for inspection by them before final approval.

The request of the members was reported to the Department of Licenses and Inspections, District of Columbia Government.

(2) Preliminary Design for Apartment Building, 420 Third St., N.W.

The Secretary presented plans for a ten-story apartment building at 420 Third St., N.W., prepared by Berla and Abel, architectural

The Secretary prepared a letter to the Chairman's Standing Committee on Mr. J. R. Martin, Office of Mexican Affairs, Department of State, expressing the members' views.

firm. The site, west of the Center Leg of the Inner Loop, would require rezoning to permit construction of this type. The members felt that the National Capital Planning Commission should study the problem of rezoning the area and report to the Commission of Fine Arts its recommendations for the whole area. No action will be taken by the Commission of Fine Arts until a report is received from the Planning Commission.

A report of the members' views was forwarded to the Department of Licenses and Inspections, District of Columbia Government.

(3) Building Applications, Appendix 1

The Commission approved the actions proposed by the staff on Shipstead-Luce Applications listed on Appendix 1. EXHIBIT D

b. Old Georgetown Act

(1) Georgetown University Medical Center - Revised Design

Mr. Theodore F. Mariani, architect, and Dr. John F. Gillespie of Georgetown University Hospital attended the meeting during the discussion of the revised design for the Medical Center of the University. The library and basic science units were combined into one building. The intensive care facility was connected with the hospital at a lower level than previously planned. The massing of the building was improved. Mr. Mariani and Dr. Gillespie explained in detail the plans for the intensive care facility, programs of Medical Center and expansion programs of the University.

The members commented on the improvement and suggested that the protruding center sections, housing the intensive care facilities, should be absorbed into the design leaving a clearer definition of the form. The need for windows in this section was again questioned.

Approving in general the massing of the buildings, the members requested that design plans be submitted. Numerous suggestions were offered by the members to guide the architect in developing the plans.

(2) O.G. 65-225, 1403 Wisconsin Ave., N.W., Peoples Drug Store

The Secretary presented elevation drawings for the Peoples Drug Store, 1403 Wisconsin Ave., N.W. prepared by Russell O. Kluge, architect. The design of the roof was according to the standards for the area as established by the Old Georgetown Act of 1950. The main window had been reduced in height and placed at the corner. The Board of Architectural Consultants was in favor of this revised design.

The members approved the design and suggested that brick of texture

and color appropriate to the area be used. Samples of brick for exterior materials will be submitted for review.

The report of the Commission's approval of the design and request for material was forwarded to the Department of Licenses and Inspections.

(3) Building Applications, Appendix 2

There were no objections to the actions taken on the Old Georgetown Applications listed on Appendix 2. EXHIBIT E

10. National Capital Planning Commission

Report of Landmarks Committee

Mr. Francis Lethbridge, Chairman of the Landmarks Committee, reported on the studies conducted by his Committee on the preservation of the Holt House (Jackson Hill) in the National Zoological Park, the Georgetown Market Building on M Street near Potomac Street, N.W., and the Tuckerman House at 16th and Eye Streets, N.W. The retention of the Holt House, built in 1810, and now surrounded by parking lots, was assured by Dr. Reed, Director of the Park. It might be used as a residence for the Director of the Zoo or as a research center. The Georgetown Market could be reactivated according to the study. The preservation of Tuckerman House (1886) created a problem.

Mr. Stephen Klaus, architect of National Capital Planning Commission, reported on studies made to solve this complex problem through special zoning variances. The Landmarks Committee could permit a 90 foot office structure which would connect with the adjacent property. Rezoning the area to permit 130 foot office/commercial structures might be a solution. Public subsidies or tax abatement might be sought to save the building and its site.

The site at Sixteenth and Eye Streets was not within the jurisdiction of the Commission of Fine Arts. If special zoning were granted the Landmarks Committee would request that the design of the proposed building be submitted to the Commission for review. The members of the Commission felt the problem was retaining the garden area as well as the House and that the site was not large enough for additional construction. In plans for preserving this site and building, Mr. Kelly commented that the building and site across the street should be considered. The building, Gray-Payne House, owned by the Christian Science Church, is listed by the Landmark Committee for preservation.

The members recognized the problem of the Landmarks Committee. They discussed methods of preserving the house and garden area. The members

stressed that the House preserved without its garden and surrounded by high buildings would defeat the purpose of the Landmarks Committee. If additional study revealed that additional construction would be necessary, the members felt that if the green area surrounding the House could not be retained the destruction of the House would be better than retaining the House surrounded by high-rise structures.

IV. LEGISLATION

Miss Coyne presented and discussed the following proposed legislation.

1. S. 1483-Mr. Pell (for himself, Mr. Gruening and Mr. Javits)

2. H.R. 6051-Mr. Moorhead-89thC

To provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes. EXHIBIT F

In the above legislation the President with the advice and consent of the Senate would appoint a council to administer the Foundation and a council to promote progress and scholarships in the humanities and arts. Private donations would be matched by Congress, up to the limit of five million dollars. The members agreed to support the bill.

The Secretary prepared a letter for the Chairman's signature to the Bureau of the Budget expressing the members' approval. EXHIBIT G

3. S. 111-Mr. Gruening-89th C

To provide for the establishment of the National Humanities Foundation to promote progress, research, and scholarship in the humanities and the arts, and for other purposes. EXHIBIT H

4. S. 316-Mr. Pell-89thC

Same as S. 111

5. H.R. 334-Mr. Moorhead-89thC

Same as S. 111

6. S. 310-Mr. Javits-89thC

To authorize the National Council on the Arts to accept and receive bequests, gifts and donations for use in carrying out the purposes of such Act, and to establish the National Arts Foundation. EXHIBIT I

7. S. 315-Mr. Pell-89thC

To establish a National Arts Foundation

The Commission is in favor of establishing a National Humanities Foundation and a National Arts Foundation but preferred the establishment of the National Foundation on the Arts and Humanities as provided in S. 1483-89th Congress and H.R. 6051-89th Congress (Items 1 and 2 above).

The Secretary prepared a letter for the Chairman's signature to the Bureau of the Budget expressing the members' views. EXHIBIT J

8. H.R. 4663-Mr. Springer-89thC

To provide for the preservation of buildings in the Nation's Capital which are of historic and cultural importance, to provide that the Commission of Fine Arts shall report to the Commissioners of the District of Columbia regarding such buildings, and for other purposes. EXHIBIT K

In the above legislation, the Old Georgetown Act of 1950 would be amended to include the entire city. The Chairman felt and the members agreed that this was totally unsuitable.

The Secretary prepared a letter for the Chairman's signature to the Bureau of the Budget expressing the members' views. EXHIBIT L

9. Draft Legislation-Bureau of the Budget-89th C

To authorize the Commissioners of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under said streets and the correction of dangerous conditions of vaults in or vault openings on public space, and for other purposes. EXHIBIT M

The members approved the bill, in general, but disapproved the use of any public space for parking.

The Secretary prepared a letter for the Chairman's signature to the Bureau of the Budget expressing the members' view. EXHIBIT N

The meeting adjourned at 5:12 p.m. to reconvene at 9:30 a.m., Wednesday, 17 March 1965.

Respectfully submitted,

C. H. Atherton
Secretary

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT — ALINE B. SAARINEN
BURNHAM KELLY — HIDEO SASAKI
THEODORE ROSZAK — JOHN CARL WARNECKE
CHARLES H. ATHERTON, Secretary

INTERIOR DEPARTMENT BUILDING
WASHINGTON

30 March 1965

Dear General Duke:

At its regular meeting on March 17, the Commission of Fine Arts approved a revised design of Firehouse No. 9 to be constructed between 16th and 17th Streets on U Street, N. W.

The members felt that the architect's revisions had strengthened the clarity and simplicity of the original design. They suggested, however, that the design might be further improved by two minor modifications.

The concrete beams supporting the roof that span the central equipment room should not extend beyond the edges of the roof.

The free standing column in the center of the front entrance should be removed, if possible, thus providing a large unbroken opening at the front of the building.

Finally, the effectiveness of the design will depend in large measure on the care taken in the detailing and selection of exterior building materials. The Commission would like to review these materials, particularly the brick, once they have been selected.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Brigadier General C. M. Duke
Engineer Commissioner for the
District of Columbia
District Building
Washington, D. C.

EXHIBIT A

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT — ALINE B. SAARINEN
BURNHAM KELLY — HIDEO SASAKI
THEODORE ROSZAK — JOHN CARL WARNECKE
CHARLES H. ATHERTON, Secretary

31 March 1965

INTERIOR DEPARTMENT BUILDING
WASHINGTON

Dear Mr. Jett:

At its regular meeting on March 17, the Commission of Fine Arts considered a revised design for the redevelopment of Lafayette Park.

As you know, the Commission has already approved the major features of the Park plan, including two pools on the east-west axis adjacent to Jackson and Madison Places, the installation of new lighting and the relocation of planting beds.

The members feel, however, that the plan's smallest details as well as its major features, deserve the most careful consideration. Unfortunately, the presentation submitted at the March meeting contained insufficient information on such essential details as the retention of planting, proposed planting, proposed paving materials, etc. Since these details will control the scale and texture of the entire park, the members felt they should withhold comment until further information was available.

They suggested that at the April meeting, the new submission should include a rendered plan showing existing conditions, type and location of planting, paving materials, benches, etc., as well as another plan delineating the architect's proposals in similar detail. They requested, in addition, that a member of the architect's staff be present for the purpose of clarifying details of the plan.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Mr. T. Sutton Jett
Regional Director
National Capital Region, National
Park Service
1100 Ohio Drive, S.W.
Washington, D. C.

EXHIBIT B

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT — ALINE B. SAARINEN
BURNHAM KELLY — HIDEO SASAKI
THEODORE ROSZAK — JOHN CARL WARNECKE
CHARLES H. ATHERTON, Secretary

29 March 1965

INTERIOR DEPARTMENT BUILDING
WASHINGTON

Dear Mr. Snyder:

At its regular meeting on March 17, the Commission of Fine Arts considered the work of two artists selected for the execution of a mural at the Camden, S.C., Post Office.

The work by William H. Halsey and Gilmer Petroff presented for review seemed, to the members, to be inappropriate for the commission in question. Consequently, the Commission recommends that additional artists be considered for the project. We would be glad to review examples of their work at any future meeting.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Mr. J. Rowland Snyder
Director, Design Division
Public Buildings Service
General Services Administration
Washington, D. C.

EXHIBIT C

REPORT OF ACTIONS TAKEN ON SHIPSTEAD-LUCE ACT APPLICATIONS 3/17/65

NO SL 65-	ADDRESS AND OWNER	PROJECT
106	500-04 No. Capitol St. John A. Volpe Constr. Co.	Erect barricade. Color to be specified by CFA.

ACTION: App'd. as a tempo. constr. barricade, provided it be painted gray & that signs are limited to a single panel below top of barricade midway on "E" St. or No. Capitol St., 3/10/65.

107	500-04 No. Capitol St. John A. Volpe Constr. Co.	2 tempo. s-f signs. 50 sq-ft. Wood. White bckgd., black & red ltrs.

ACTION: App'd. as tempo. signs, provided ltrs. be painted black on a white bckgd. & that signs be mounted below top of encl. barricade midway on "E" St. & No. Cap. St., 3/10/65.

109	2030 F St., NW Oliver T. Carr	1 tempo. s-f 48 sq-ft const. sign. Metal on wood frame.

ACTION: App'd. as a tempo. sign, 6 months duration, provided that total area be reduced to 25 sq-ft & that lettering be black on a white bckgd., 3/11/65.

110	8735 E. Beach Dr., NW Mr & Mrs Adrian H. Jones	Erect residence. Rev. of prev. app'd. plans to change location of entr. door only.

ACTION: App'd. as revised. Request samples of exterior materials, 3/11/65.

111	2015 Klingle Rd., NW D. C. Land Invest. Co., Inc.	Remove porch roof from each of the 2 bldgs.

ACTION: Drawing subm'd. does not coincide with description of proposed work or exist. conditions. Ret'd. for accurate drawing of exist. conditions & proposed work, 3/11/65.

112	2017 Klingle Rd., NW D. C. Land Invest. Co., Inc.	Remove porch roof from each of the 2 bldgs.

ACTION: Drawings subm'd. does not coincide with description of proposed work or exist. conditions. Ret'd. for accurate drawing of exist. conditions & proposed work, 3/11/65.

APPENDIX 1

EXHIBIT D

NO SL 65-	ADDRESS AND OWNER	PROJECT
108	704-17th St., NW Mills Bldg. Associates	Sample of building material. TECFAB Inc. #748.

ACTION: General color & texture of small sample appears to be suitable. Request full-size panel be erected on site for inspection by CFA, 3/17/65.

114	420-3rd St., NW Judiciary Square Associates	10-story apt. bldg.

ACTION: Request photos & drawing of location & site plans. Also recom. that all drawings accompanying resubm. be more clearly delineated, 3/17/65.

REPORT OF ACTIONS TAKEN ON OLD GEORGETOWN ACT APPLICATIONS 3/17/65

NO OG 65-	ADDRESS AND OWNER	PROJECT
223	2911 Dumbarton Ave., NW Lars Hansen	Install fixture on front entr.
ACTION:	Recom'd., 3/11/65.	
226	3222 M St., NW D. C. Transit System, Inc.	Replace & recess entr. doors. Replace exst. overhead door. Replace all exist. windows. Paint entire face of bldg.
ACTION:	Recom'd., provided 2nd fl. sash equally divided with 6/6 lights. Color to be off-white, 3/10/65.	
227	Rear 3257 N St., NW Paul Torek	Lower garage roof.
ACTION:	Recom'd. as revised, 3/10/65.	
231	1413 Wisc. Ave., NW The Cheese Shop	Sign
ACTION:	Recom'd. as revised, 3/15/65.	
225	1403 Wisc. Ave., NW Peoples Drug Stores, Inc.	Rev. of design of proposed drug store as requested.
ACTION:	Recom'd. Suggest use of Locher 800 brick & Medusa Stoneset mortar. Request sample of bldg. material, 3/17/65.	
228	3800 Reservoir Rd., NW Georgetown University	Addn. to exist. medical center complex.
ACTION:	Recommend further refinement of site plan & treatment of "Intensive Care Unit" where it joins with other elements of the hospital complex. Also request add'l. inf. on proposed parking facilities bordering Reservoir Rd. 3/17/65.	

APPENDIX 2

EXHIBIT E

89TH CONGRESS
1ST SESSION

S. 1483

IN THE SENATE OF THE UNITED STATES

MARCH 10, 1965

Mr. PELL (for himself, Mr. GRUENING, and Mr. JAVITS) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Foundation on the Arts and the Humanities Act of 1965".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares—

(1) that the encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter for private and local initiative,

EXHIBIT F

is also an appropriate matter of concern to the Federal Government;

(2) that a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity;

(3) that democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education designed to make men masters of their technology and not its unthinking servant;

(4) that it is necessary and appropriate for the Federal Government to complement, assist, and add to programs for the advancement of the humanities and the arts by local, State, regional, and private agencies and organizations;

(5) that the world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high qualities as a leader in the realm of ideas and of the spirit; and

(6) that, in order to implement these findings, it is desirable to establish a National Foundation on the Arts and the Humanities and to strengthen the responsi-

bilities of the Office of Education with respect to education in the arts and the humanities.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "humanities" includes, but is not limited to, the study of the following: language, literature, history, and philosophy; archeology; the history, criticism, and theory of the arts; the creative and the performing arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

(b) The term "the arts" includes music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution, and exhibition of such major art forms.

(c) The term "production" means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, and tape and sound recordings, and any other activities involving the execution or rendition of the arts and meeting such standards as may be approved by the

National Endowment for the Arts established by section 5 of this Act.

(d) The term "project" means programs organized to carry out the purposes of this Act, including programs to foster American artistic creativity, to commission works of art, to create opportunities for individuals to develop artistic talents when carried on as a part of a program otherwise included in this definition, and to develop and enhance public knowledge and understanding of the arts, and includes, where appropriate, rental, purchase, renovation, or construction of facilities, purchase or rental of land, and acquisition of equipment.

(e) The term "group" includes any State or other public agency, and any nonprofit society, institution, organization, association, museum, or establishment in the United States, whether or not incorporated.

(f) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

ESTABLISHMENT OF A NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SEC. 4. (a) There is established a National Foundation on the Arts and the Humanities (hereinafter referred to as the "Foundation"), which shall be composed of a National

Endowment for the Arts, a National Endowment for the Humanities, and a Federal Council on the Arts and the Humanities (hereinafter established).

(b) The purpose of the Foundation shall be to develop and promote a broadly conceived national policy of support for the humanities and the arts in the United States pursuant to this Act.

(c) In the administration of this Act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, or curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS

SEC. 5. (a) There is established within the Foundation a National Endowment for the Arts.

(b) The Endowment shall be headed by a Chairman, who shall be appointed by the President by and with the advice and consent of the Senate. The Chairman shall receive compensation at the rate prescribed by law for the Director of the National Science Foundation.

(c) The Chairman, with the advice of the Federal Council on the Arts and the Humanities and the National

Council on the Arts, is authorized to establish and carry out a program of grants-in-aid to groups or, in appropriate cases, to individuals engaged in or concerned with the creative and performing arts, for the purpose of enabling them to provide or support in the United States—

(1) productions which have substantial artistic and cultural significance, giving emphasis to American creativity;

(2) productions irrespective of origin which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country;

(3) projects that will encourage and assist artists;

(4) projects that will encourage and develop the appreciation and enjoyment of the arts by our citizens: and

(5) other relevant projects, including surveys and planning in the arts.

(d) The functions of the National Council on the Arts established by the National Arts and Cultural Development Act of 1964, Public Law 88–579, approved September 3, 1964, are transferred to the Chairman of the National Endownment for the Arts. The position and the functions of the Chairman of the National Council on the Arts, established by section 6 (a) of that Act, are abolished.

(e) No payment may be made under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations and procedures established by the Chairman.

(f) The total amount of any grant to any group pursuant to subsection (c) of this section shall not exceed 50 per centum of the total cost of such project or production, except that not more than 20 per centum of the funds allotted by the National Endowment for the Arts for this purpose for any fiscal year may be available for such grants in that fiscal year without regard to such limitation in the case of any group which submits evidence to the Endowment that it has attempted unsuccessfully to secure an amount of funds equal to the grant applied for by such group, together with a statement of the proportion which any funds it has secured represent of the funds applied for by such group.

(g) Any group shall be eligible for financial assistance pursuant to this section only if (1) no part of its net earnings inures to the benefit of any private stockholder or stockholders, or individual or individuals, and (2) donations to such group are allowable as a charitable contribution under the standards of subsection (c) of section 170 of the Internal Revenue Code of 1954.

(h) It shall be a condition of the receipt of any grant

under this section that the group or individual receiving such grant furnish adequate assurances to the Secretary of Labor that (1) all professional and related or supporting personnel (other than laborers and mechanics with respect to whom labor standards are prescribed in subsection (i) of this section) employed on projects or productions which are financed in whole or in part under this section will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and (2) no part of any project or production which is financed in whole or in part under this section will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. The Secretary of Labor shall have the authority to prescribe standards, regulations, and procedures as he may deem necessary or appropriate to carry out the provisions of this subsection.

(i) It shall be a condition of the receipt of any grant under this section that the group or individual receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on projects financed under this section shall be paid wages at rates not less than those pre-

vailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have the authority to prescribe standards, regulations, and procedures governing the application of such standards.

(j) The Chairman shall correlate the programs of the National Endowment Act for the Arts insofar as practicable, with existing Federal programs and with those undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this Act which can be made by other Federal agencies under existing programs.

TRANSFER OF THE NATIONAL COUNCIL ON THE ARTS

SEC. 6. (a) The National Council on the Arts established by Public Law 88–579 is transferred from the Executive Office of the President to the National Endowment for the Arts.

(b) The National Council on the Arts shall be hereafter composed of the Chairman of the National Endowment for the Arts, who shall be the Chairman of the Council; and twenty-four members appointed by the President from private life in accordance with the provisions of Public Law 88–579. The function of the Secretary of the Smithsonian

Institution of serving as an ex officio member of the Council is abolished.

(c) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, and (2) shall review applications for financial assistance and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove an application until he has received the Council's recommendation unless the Council fails to make a recommendation on the application within a reasonable time.

ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

SEC. 7. (a) There is established within the Foundation a National Endowment for the Humanities.

(b) The Endowment shall be headed by a chairman, who shall be appointed by the President by and with the advice and consent of the Senate. The Chairman shall receive compensation at the rate prescribed by law for the Director of the National Science Foundation.

(c) The Chairman, with the advice of the Federal Council on the Arts and the Humanities and the National Council on the Humanities (hereinafter established), is authorized to—

(1) develop and encourage the pursuit of a national

policy for the promotion of progress and scholarship in the humanities;

(2) initiate and support research and programs to strengthen the research potential of the United States in the humanities by making arrangements (including grants, loans, and other forms of assistance) with individuals or groups to support such activities;

(3) award fellowships and grants to institutions or individuals for training in the humanities and the arts. Fellowships awarded to individuals under this authority may be for the purpose of study or research at appropriate nonprofit institutions selected by the recipient of such aid, for stated periods of time;

(4) foster the interchange of information in the humanities;

(5) foster, through grants or other arrangements with groups, public understanding and appreciation of the humanities and the arts; and

(6) support the publication of scholarly works in the humanities and the arts without regard to the provisions of section 87 of the Act of January 12, 1895 (28 Stat. 622), and section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111).

(d) The Chairman shall correlate the programs of the

National Endowment for the Humanities, insofar as practicable, with existing Federal programs and with those undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this Act which can be made by other Federal agencies under existing programs.

ESTABLISHMENT OF THE NATIONAL COUNCIL ON THE HUMANITIES

SEC. 8. (a) There is established in the National Endowment for the Humanities a National Council on the Humanities.

(b) The Council shall be composed of the Chairman of the National Endowment on the Humanities, who shall be the Chairman of the Council, and twenty-four other members appointed by the President from private life. Such members shall be selected on the basis of distinguished service and scholarship or creativity and in a manner which will provide a comprehensive representation of the views of professional practitioners in the humanities and the arts throughout the United States.

(c) Each member shall hold office for a term of six years, except that (1) the members first taking office shall serve, as designated by the President, eight for terms of two years, eight for terms of four years, and eight for terms of six years, and (2) any member appointed to fill a vacancy

shall serve for the remainder of the term for which his predecessor was appointed. No member shall be eligible for reappointment during the two-year period following the expiration of his term.

(d) Members not otherwise employed by the Federal Government shall receive compensation and be allowed travel expenses in the same manner as is provided in section 8 of Public Law 88–579 for the National Council on the Arts.

(e) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, and (2) shall review applications for financial support and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove an application until he has received the Council's recommendation unless the Council fails to make a recommendation on the application within a reasonable time.

ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 9. (a) There is established within the Foundation a Federal Council on the Arts and the Humanities.

(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the

Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, and a member designated by the Secretary of State. The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization.

(c) The Council shall—

(1) advise and consult with the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities on major problems arising in carrying out the purposes of the Foundation;

(2) coordinate, by advice and consultation, so far as is practicable, the policies and operations of the National Endowment for the Arts and the National Endowment for the Humanities, including joint support of activities, as appropriate; and

(3) promote coordination between the programs and activities of the Foundation and related programs and activities of other Federal agencies.

ADMINISTRATIVE PROVISIONS

SEC. 10. (a) In addition to any authorities vested in them by other provisions of this Act, the Chairman of the

National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, in carrying out their respective functions, shall each have authority to—

(1) prescribe such regulations as he deems necessary governing the manner in which his functions shall be carried out;

(2) receive funds, securities, or other property donated, bequeathed, or devised by private persons to the National Endowment for the Arts or the National Endowment for the Humanities without other restriction, and to utilize such gifts for carrying out the purposes of the Endowments under section 5 (c) and (d) and section 7 (c) of this Act, respectively: *Provided*, That restricted gifts may be received and, in the discretion of the Chairman, matched, where appropriate, from appropriations received pursuant to section 11 (a) and (b) of this Act;

(3) appoint employees, subject to the civil service laws, as necessary to carry out his functions, define their duties, and supervise and direct their activities;

(4) utilize from time to time, as appropriate, experts and consultants, including panels of experts, who may be employed as authorized by section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a) ;

(5) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed without compensation.

(6) rent office space in the District of Columbia: and

(7) make other necessary expenditures.

(b) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities shall each submit an annual report to the President for transmittal to the Congress on or before the 15th day of January of each year. The report shall summarize the activities of the Endowment for the preceding year, and may include such recommendations as the Chairman deems appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. (a) There is authorized to be appropriated, without fiscal year limitation, the sum of $10 million for the fiscal year 1966 and for each succeeding year such sums as may be necessary, to be divided equally between the National Endowment for the Arts and the National Endowment for the Humanities for use in carrying out the activities authorized by section 5 (c) and (d) and section 7 (c) of the Act, respectively.

(b) In addition to the appropriations for specified purposes authorized by subsection (a) above, there is authorized to be appropriated, without fiscal year limitation, to the National Endowment for the Arts and the National Endowment for the Humanities, respectively, such amounts, not in excess of $5 million each for any fiscal year, as may be necessary to match all unrestricted private contributions to each Endowment received at any time prior to the close of the fiscal year immediately preceding the date of submission of the budget estimates therefor.

(c) There are authorized to be appropriated such sums as may be necessary to administer the provisions of this Act.

FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN THE HUMANITIES AND THE ARTS

SEC. 12. (a) There are authorized to be appropriated to the Commissioner of Education the sum of $500,000 for the fiscal year ending June 30, 1966, and for each of the five succeeding fiscal years such sums as may be necessary, for (1) making payments to State educational agencies under this section for the acquisition of equipment (suitable for use in providing education in the humanities and the arts) and for minor remodeling described in subsection (c) (1) of this section, and (2) making loans authorized in subsection (f) of this section.

(b) Sums appropriated pursuant to subsection (a) shall

be allotted in the same manner as provided in subsections (a) and (c) of section 302 of the National Defense Education Act of 1958, as amended (72 Stat. 1588; 20 U.S.C. 442).

(c) Any State which desires to receive payments under this section shall submit to the Commissioner of Education through its State educational agency a State plan which meets the requirements of section 1004(a) of the National Defense Education Act of 1958, as amended (72 Stat. 1603; 20 U.S.C. 584), and—

(1) sets forth a program under which funds paid to the State from its allotment under subsection (b) of this section will be expended solely for projects approved by the State educational agency for (A) acquisition of special equipment (other than supplies consumed in use), including audiovisual materials and equipment, and printed and published materials (other than textbooks), suitable for use in providing education in the humanities and the arts, and (B) minor remodeling of laboratory or other space used for such materials or equipment;

(2) sets forth principles for determining the priority of such projects in the State for assistance under this section and provides for undertaking such projects, insofar as financial resources available therefor make

possible, in the order determined by the application of such principles;

(3) provides an opportunity for a hearing before the State educational agency to any applicant for a project under this section; and

(4) provides for the establishment of standards on a State level for special equipment acquired with assistance furnished under this section.

(d) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (c) of this section and the provisions of subsections (b) and (c) of section 1004 of the National Defense Education Act, as amended (72 Stat. 1603; 20 U.S.C. 584), shall apply to this section in the same manner as applicable to State plans under that Act.

(e) Payments to States from allotments made under subsection (b) shall be made in the same manner as provided in section 304 of the National Defense Education Act of 1958, as amended (72 Stat. 1589; 20 U.S.C. 444).

(f) The Commissioner shall allot and administer loans to nonprofit private schools in the same manner as provided in section 305 of the National Defense Education Act of 1958, as amended (72 Stat. 1590; 20 U.S.C. 445).

TEACHER TRAINING INSTITUTES

SEC. 13. (a) There are authorized to be appropriated to the Commissioner of Education the sum of $500,000 for the fiscal year ending June 30, 1966, and each of the five succeeding fiscal years such sums as may be necessary, to enable the Commissioner of Education to arrange, through grants or contracts, with institutions of higher education for the operation by them within the United States of short-term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals who are engaged in or preparing to engage in the teaching, or supervising or training of teachers, of such subjects as will in the judgment of the Commissioner, after consultation with the Chairman of the National Endowment for the Humanities, strengthen the teaching of the humanities and the arts in elementary and secondary schools.

(b) Each individual who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of $75 per week for the period of his attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of $15 per week for each such dependent.

89TH CONGRESS
1ST SESSION

S. 1483

A BILL

To provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes.

By Mr. PELL, Mr. GRUENING, and Mr. JAVITS

MARCH 10, 1965
Read twice and referred to the Committee on Labor and Public Welfare

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT — ALINE B. SAARINEN
BURNHAM KELLY — HIDEO SASAKI
THEODORE ROSZAK — JOHN CARL WARNECKE
CHARLES H. ATHERTON, Secretary

12 April 1965

INTERIOR DEPARTMENT BUILDING
WASHINGTON

Dear Mr. Chairman:

I am writing in reply to your request for the views of the Commission of Fine Arts on S. 1483, 89th Congress, a bill "To provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States."

The Commission of Fine Arts believes that a National Foundation on the Arts and the Humanities as proposed in S. 1483 is basically a sound concept and is in favor of the establishment of such a foundation. Although a number of bills proposing the establishment of a similar Foundation have been introduced in the 89th Congress, the Commission feels that the objectives of such a foundation will be best served by the methods of implementation outlined in this bill, S. 1483, which would place the closely related fields of the humanities and the arts under a single foundation, but provide a separate fund program, chairman and council for each.

Therefore, the Commission of Fine Arts recommends passage of S. 1483.

In the interim period before passage of this bill, we would hope that the National Council on the Arts established by the National Arts and Cultural Development Act of 1964 (Public Law 88-579) will conduct studies and make recommendations with a view to formulating methods or ways in which the proposed foundation may best serve the interests of the Nation's progress in the humanities and the arts.

The Bureau of the Budget has advised that it has no objection to the submission of this report from the standpoint of the Administration's program.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Honorable Lister Hill
Chairman
Committee on Labor and Public Welfare
United States Senate
Washington, D. C.

EXHIBIT G

89TH CONGRESS
1ST SESSION

S. 111

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1965

Mr. GRUENING (for himself, Mr. ANDERSON, Mr. BASS, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. DOUGLAS, Mr. FONG, Mr. GORE, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. KUCHEL, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To provide for the establishment of the National Humanities Foundation to promote progress, research, and scholarship in the humanities and the arts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Humanities Foundation Act of 1965".

SEC. 2. The Congress hereby finds and declares—

(1) that the encouragement and support of the humanities and the arts, while primarily a matter for

EXHIBIT H

private and local initiative, is also an appropriate matter of concern to the Federal Government;

(2) that a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly, literary, and artistic activity;

(3) that democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education designed to make men masters of their technology and not its unthinking servants;

(4) that, during our early history, the Nation was largely engaged in mastering its physical environment while, more recently, advancing technology, defense, and space needs have put a claim on energies that might have gone into humane and artistic endeavors, with the result that our social, moral, and esthetic development has lagged behind our material advance;

(5) that it is in the national interest that the resulting social, cultural, and educational imbalance be redressed;

(6) that the world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high

qualities as a leader in the realm of ideas and of the spirit;

(7) that, in order to implement these findings, it is desirable to establish a National Humanities Foundation.

ESTABLISHMENT OF A NATIONAL HUMANITIES FOUNDATION

SEC. 3. There is hereby established in the executive branch of the Government an independent agency to be known as the National Humanities Foundation (hereinafter in this Act referred to as the "Foundation"). The Foundation shall consist of a National Humanities Board (hereinafter referred to as the "Board") and a Director.

PURPOSE OF THE FOUNDATION

SEC. 4. The purpose of the Foundation shall be to develop and promote a broadly conceived policy of support for the humanities and the arts, but it shall not attempt, directly or indirectly, to direct, control, or otherwise influence the scholarship, teaching, research, or artistic endeavors which it supports.

DEFINITION

SEC. 5. The term "humanities and the arts", as used in this Act, includes, but is not limited to, the study of languages, linguistics, literature, history, philosophy and political theory; the history, criticism, and theory of art and

music; the history of politics, religion, science, and law; the creative and performing arts, including theater and dance; and those aspects of the social sciences that have humanistic content and employ humanistic methods.

NATIONAL HUMANITIES BOARD

SEC. 6. (a) The Board shall consist of twenty-four members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio, and shall, except as otherwise provided in this Act, exercise the authority granted to the Foundation by this Act. The persons nominated for appointment as members (1) shall be eminent in the fields of the humanities or the arts; (2) shall be selected solely on the basis of established records of distinguished service and scholarship or creativity; and (3) shall be so selected as to provide comprehensive representation of the views of scholars and teachers in the humanities and the arts in all areas of the United States. The President is requested, in the making of nominations of persons for appointment as members of the Board, to give due consideration to any recommendations for nomination which may be submitted to him by the American Association of Land Grant Colleges and Universities, the Association of American Colleges, the Association of American Universities, the Association of Graduate Schools in Association of American Universities, the American Council of Learned

Societies, the United Chapters of Phi Beta Kappa, or by any other national organization on the humanities and the arts.

(b) The term of office of each member of the Board shall be six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, eight at the end of two years, eight at the end of four years, and eight at the end of six years, after the enactment of this Act. Any member of the Board who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of the twelfth year.

(c) The President shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman.

(d) The Board shall meet annually on the first Monday in May unless, prior to April 15 in any year, the Chairman has set the annual meeting for a day in May, other than the first Monday, and at such other times as the Chairman may determine, but he shall also call a meeting whenever

one-third of the members of the Board so request in writing. A majority of the members of the Board shall constitute a quorum. Each member shall be given written notice, mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

(e) An election of the Chairman and Vice Chairman of the Board shall take place at the first meeting of the Board following the enactment of this Act. Thereafter such elections shall take place at the second annual meeting occurring after each such election. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy.

DIRECTOR OF THE FOUNDATION

SEC. 7. (a) There shall be a Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. The Board may make recommendations to the President with respect to the appointment of the Director, and the Director shall not be appointed until the Board has had an opportunity to make such recommendations. The Director shall serve as an ex officio member of the Board. In addition, he shall be the chief executive officer of the Foundation. The Director shall receive compensation at the same rate as provided for the

Librarian of Congress and shall serve for a term of six years unless sooner removed by the President.

(b) In addition to the powers and duties specifically vested in him by this Act, the Director shall, in accordance with the policies established by the Board, exercise the powers granted by sections 11 and 12 of this Act, together with such powers and duties as may be delegated to him by the Board; but no final action shall be taken by the Director in the exercise of any power granted by section 10 (a) (5) or 12 (a) of the Act unless in each instance the Board has reviewed and approved the action proposed to be taken, or such action is taken pursuant to the terms of a delegation of authority from the Board or the Executive Committee to the Director.

EXECUTIVE COMMITTEE

SEC. 8. (a) The Board is authorized to appoint from among its members an executive committee and to assign to the Executive Committee such of the powers and functions granted to the Board by this Act as it deems appropriate; except that the Board may not assign to the Executive Committee the function of establishing policies.

(b) If an executive committee is established by the Board—

(1) Such Committee shall consist of the Director,

as an ex officio member, and not less than five or more than nine other members elected by the Board from among their number.

(2) The term of office of each member of such Committee shall be two years, except that (A) any member elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term; and (B) the term of office of four of the members first elected after the date of enactment of this Act shall be one year.

(3) Any person who has been a member of such Committee for six consecutive years shall thereafter be ineligible for election during the two-year period following the expiration of such sixth year.

(4) The membership of such Committee shall, so far as practicable, be representative of diverse interests and shall be so chosen as to provide representation, as far as practicable, for all areas of the Nation.

(5) Such Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such reports.

(c) The Board is authorized to appoint from among its members or otherwise such committees as it deems appropriate, and to assign to committees so appointed such survey and advisory functions as the Board deems appropriate for the purposes of this Act.

DIVISIONS WITHIN THE FOUNDATION

SEC. 9. The Board may establish within the Foundation such divisions and divisioned advisory committees as it may, from time to time, deem necessary in order to carry out the powers and duties of the Foundation as set forth in this Act.

FUNCTIONS OF THE FOUNDATION

SEC. 10. (a) The Foundation is authorized and directed—

(1) to develop and encourage the pursuit of a national policy for the promotion of scholarship, education, research, and creative work and performance in the humanities and the arts;

(2) to provide suitable means (including grants, loans, and other forms of assistance) for educating and developing, at any stage of their growth, artists and scholars and teachers in the humanities and the arts;

(3) to assist (by grants, loans, and other forms of assistance) public and other nonprofit organizations, as defined in section 501 (c) of the Internal Revenue Code,

engaged in encouraging and developing artists and scholars and teachers in the humanities and the arts;

(4) to initiate and promote by contracts or other arrangements, including grants, loans, and other forms of assistance, programs for the improvement of teaching and research in the humanities and the arts;

(5) to award, as provided in section 12 of this Act, scholarships and graduate fellowships, including post-doctoral fellowships, and grants for research and for creative work and performance in the humanities and the arts;

(6) to foster the interchange of scholarly information in the humanities and the arts among scholars, teachers, and students in the United States and foreign countries; and

(7) to encourage and assist the improvement of library and museum resources and services for research and for teaching at all levels in the humanities and the arts.

(b) In exercising the authority and discharging the functions referred to in subsection (a) of this section, it shall be one of the objectives of the Foundation to strengthen education and research in the humanities and the arts throughout the United States and its possessions, and to avoid undue concentration of such education and research.

REPORTS

SEC. 11. The Foundation shall render an annual report to the President for submission on or before the 15th day of January of each year to the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate. Such report shall include minority views and recommendations, if any, of members of the Board.

SCHOLARSHIPS AND FELLOWSHIPS

SEC. 12. (a) The Foundation is authorized to award, within the limits of funds made available specifically for such purpose pursuant to section 15 or of funds donated or transferred to the Foundation pursuant to sections 13 and 14. scholarships and graduate fellowships, including postdoctoral fellowships, for study or research in the humanities and the arts at public or nonprofit American or nonprofit foreign institutions of higher education, selected by the recipient of such aid, for stated periods of time. Persons shall be selected for such scholarships and fellowships from among citizens of the United States, and such selections shall be made solely on the basis of ability; but in any case in which two or more applicants for scholarships or fellowships, as the case may be, are deemed by the Foundation to be possessed of substantially equal ability, and there are not sufficient scholarships or fellowships, as the case may be, available to grant one to

each of such applicants, the available scholarship or scholarships or fellowship or fellowships shall be awarded to the applicant in such manner as will tend to result in the wide distribution of scholarships and fellowships among the States, possessions of the United States, and the District of Columbia. Nothing contained in the Act shall prohibit the Foundation from refusing or revoking a scholarship or fellowship award, in whole or in part, in the case of any applicant or recipient, if the Board is of the opinion that such award is not in the best interests of the United States.

(b) The amount of the stipend and dependency allowance for scholarships and fellowships awarded under section 11 (a) of this Act shall be determined by the Board and shall be reviewed and, if necessary, adjusted annually on the basis of stipends for comparable awards and allowances granted by other agencies of the Federal Government.

GENERAL AUTHORITY OF THE FOUNDATION

SEC. 13. The Foundation shall have the authority, within the limits of available appropriations or donated funds, to do all things necessary to carry out the provisions of this Act, including, but without being limited thereto, the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this Act;

(c) to enter into contracts or other arrangements or modifications thereof with accredited public or other nonprofit institutions of higher education for the establishment and conduct of summer or academic-year institutes, or both, for the training of teachers and scholars of the humanities and the arts;

(d) to support improved teaching at all levels of education by encouraging experiments in presentation and organization, including disciplinary and interdisciplinary studies and the development of new curricular materials;

(e) to make, advance, progress, and other payments which relate to the establishment and conduct of such institutes and such experiments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529) ;

(f) to acquire by purchase, lease, loan, gift, or condemnation, and to hold and dispose of by grant, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act;

(g) to receive and use funds donated by others, if such funds are donated without restriction other than

that they be used in furtherance of one or more of the general purposes of the Foundation;

(h) to publish or arrange for the publication of scholarly information in the humanities and arts without regard to the provisions of section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111);

(i) to accept and utilize the services of voluntary and uncompensated personnel and to provide transportation and subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2), for persons serving without compensation; and

(j) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for institutes in the humanities and the arts, as provided in subsection (c) of this section, shall be subject to itemization or substantiation prior to payment, without regard to the limitation of other laws relating to the expenditure of public funds and accounting therefor.

MISCELLANEOUS PROVISIONS

SEC. 14. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be

fixed in accordance with the provisions of the civil service laws and regulations and the Classification Act of 1949; except that the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such laws, as he may deem necessary for the discharge of the responsibilities of the Foundation under this Act. The Deputy Director hereinafter provided for, and the members of any divisional committees, shall be appointed without regard to the civil service laws or regulations. Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under this Act.

(b) The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director, with the approval of the Board, may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

(c) The members of the Board and the members of

the divisional committees shall receive compensation at the rate of $75 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2).

(d) Persons holding other offices in the executive branch of the Federal Government may serve as members of divisional committees, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

(e) Funds available to any department or agency of the Federal Government for the development of the humanities or the arts, or the provisions of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made, and, until such time as an appropriation is made available directly to the Foundation, for general administrative expenses of the Foundation without regard to limitations otherwise applicable to such funds.

UTILIZATION OF FOREIGN CURRENCIES

SEC. 15. Section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), is amended by inserting immediately after paragraph (s) the following new paragraph:

"(t) for financing under the direction of the National Humanities Foundation, in such amounts as may be specified from time to time in appropriation Acts, programs outside the United States designed to foster the interchange of information in the humanities and the arts between the United States and other countries, including but not limited to the financing of archeological expeditions through grants, loans, or other forms of assistance;".

ASSURANCE AGAINST FEDERAL INTERFERENCE

SEC. 16. In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

AUTHORIZATION OF APPROPRIATIONS

SEC. 17. To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appro-

priated to the Foundation such sums as the Congress may determine.

RECEIVED
THE COMMISSION OF FINE ARTS
WASHINGTON, D. C.
FEB 3 1965
NOTED

89TH CONGRESS
1ST SESSION

S. 111

A BILL

To provide for the establishment of the National Humanities Foundation to promote progress, research, and scholarship in the humanities and the arts, and for other purposes.

By Mr. GRUENING, Mr. ANDERSON, Mr. BASS, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. DOUGLAS, Mr. FONG, Mr. GORE, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. KUCHEL, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio

JANUARY 6, 1965
Read twice and referred to the Committee on Labor and Public Welfare

89TH CONGRESS
1ST SESSION

S. 310

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1965

Mr. JAVITS (for himself, Mr. COOPER, Mr. DOUGLAS, Mr. LONG of Missouri, Mr. METCALF, Mr. PELL, Mr. RANDOLPH, Mr. SCOTT, and Mr. YARBOROUGH) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To amend the National Arts and Cultural Development Act of 1964 to authorize the National Council on the Arts to accept and receive bequests, gifts, and donations for use in carrying out the purposes of such Act, and to establish the National Arts Foundation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Arts Foundation Act of 1965".

SEC. 2. The National Arts and Cultural Development Act of 1964 is hereby amended as follows:

(a) Amend paragraph (5) of section 2 by inserting,

EXHIBIT I

after "National Council on the Arts", the following: "and a National Arts Foundation".

(b) Insert, after section 3, the following title heading:

"TITLE I—NATIONAL COUNCIL ON THE ARTS"

(c) Redesignate sections "4.", "5.", "6.", "7.", "8.", "9.", "10.", and "11.", as sections "101.", "102.", "103.", "104.", "105.", "106.", "107.", and "108.", respectively.

(d) Amend section 107, as redesignated pursuant to subsection (c) of this section, by striking out "Act" and inserting in lieu thereof "title".

(e) Amend section 108, as redesignated pursuant to subsection (c) of this section, as follows:

(1) In subsection (a) strike out "Act" and insert in lieu thereof "title".

(2) In subsection (b) strike out "Act" the first time it appears and insert in lieu thereof "title".

(f) At the end of title I, as designated by subsection (b) of this section, add the following new section:

"BEQUESTS, GIFTS, DONATIONS

"SEC. 109. The Council is authorized to accept and receive from public or private sources, by devise, bequest, gift, donation, or otherwise, money and securities and real, personal, or mixed property; to hold the same absolutely or in trust; to invest, reinvest, manage, and dispose of the same; and to apply such money, securities, or property, the

proceeds thereof, or the income derived therefrom, to such expenditures and disbursements as the Council shall determine to be necessary or appropriate for the performance of its functions. For the purposes of the United States income, estate, and gift tax laws, any gift, donation, devise, or bequest accepted by the Council under this section shall be deemed to be a gift, donation, devise, or bequest to or for the use of the United States."

(g) After title I, as designated by subsection (b) of this section, add the following new title:

TITLE II—NATIONAL ARTS FOUNDATION

"ESTABLISHMENT OF FOUNDATION

"SEC. 201. There is hereby established in the executive branch of the Government an independent agency to be known as the National Arts Foundation (hereinafter referred to as the 'Foundation').

"TRUSTEES OF FOUNDATION

"SEC. 202. (a) The Foundation shall be subject to the general supervision and policy direction of a board of trustees which shall consist of twenty-one members to be appointed by the President, by and with the advice and consent of the Senate. Such members shall be selected (1) from among private citizens of the United States who are widely recognized for their broad knowledge of or experience in, or for their profound interest in, the arts; (2) so as

to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and (3) so as collectively to provide an appropriate distribution of membership among the major art fields listed in section 210(a) of this title. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in these fields and the National Council on the Arts.

"(b) The term of office of each trustee of the Foundation shall be six years; except that the terms of the trustees first taking office after the enactment of this title shall expire, as designated by the President at the time of appointment, seven at the end of two years after the date of enactment of this title, seven at the end of four years after such date, and seven at the end of six years after such date. If a vacancy occurs in the term of office of a trustee, such vacancy shall be filled only for the unexpired portion of such term. Any person who has been a trustee of the Foundation for twelve or more consecutive years shall be ineligible for appointment during the two-year period following the termination of his duties as such a trustee.

"(c) Any vacancy in the Foundation shall not affect its

powers, but shall be filled in the same manner in which the original appointment was made.

"(d) A majority of the trustees of the Foundation shall constitute a quorum.

"(e) The President shall call the first meeting of the trustees of the Foundation, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until two years after the date of enactment of this title. Thereafter each Chairman and Vice Chairman shall be elected for a term of four years in duration and each such election shall take place at the annual meeting occurring at the end of each such term. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Foundation shall elect an individual from among the trustees to fill such vacancy for the remainder of such term.

"(f) The trustees of the Foundation shall meet at the call of the Chairman, but not less than four times each year. The Chairman shall also call a meeting whenever one-third of the trustees so request in writing. Each trustee shall be given notice, by registered mail mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

"DIRECTOR OF FOUNDATION

"SEC. 203. (a) The Director of the Foundation shall be appointed by the President, by and with the advice and consent of the Senate. In the appointment of the Director the President is requested to give due consideration to any recommendations submitted to him by the Board of Trustees. The Director shall serve as an ex officio trustee of the Foundation. In addition, he shall be the chief executive officer of the Foundation. The Director shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964, and shall serve for a term of six years unless previously removed by the President.

"(b) The Director may appoint, with the approval of the Board of Trustees, a Deputy Director, who shall perform such functions as the Director, with the approval of the trustees, may prescribe, and shall be Acting Director during the absence or disability of the Director. In the event of a vacancy in the office of the Director, the Deputy Director shall serve as Acting Director until the President shall fill such vacancy. The Deputy Director shall receive compensation at the rate prescribed for level V of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964.

"(c) The Director shall have general authority to carry

out and execute the programs of the Foundation on a full-time, continuous basis, to recommend programs to the Foundation, and to discharge such other functions as the Foundation may delegate to him consistent with this title.

"(d) The Director and the Deputy Director shall be reimbursed for travel and subsistence expenses incurred by them while away from their homes or regular places of business in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations.

"(e) The Director and the Deputy Director shall be appointed without regard to the civil service laws and regulations.

"(f) The Director and the Deputy Director shall not engage in any other business, vocation, or employment than that of serving as Director or Deputy Director, or hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under this title.

"GRANTS TO GROUPS AND STATES

"SEC. 204. (a) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid in a manner consistent with sections 2 and 3 of the National Arts and Cultural Development Act of 1964, from the funds appropriated to the Foundation or otherwise obtained pursuant

to section 206(a) (3) or (4) of this title, to nonprofit professional groups (and nonprofit groups meeting professional standards or standards of authenticity) engaged in or concerned with the arts, for the purpose of enabling such groups to provide (A) productions which have substantial artistic and cultural significance, giving emphasis to American creativity, (B) productions irrespective of origin which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country, (C) projects that will encourage and assist artists who are citizens or who have evidenced their intention to become citizens of the United States, (D) projects that will encourage and develop the appreciation and enjoyment of the arts by our citizens, and (E) other relevant projects including surveys, research, and planning in the arts. No portion of any moneys granted under this subsection shall be applied to the purchase, erection, preservation, or repair of any building or buildings, or for the purchase or rental of any lands.

"(2) No payment may be made to any group under this section except upon application therefor which is submitted to the Foundation in accordance with regulations prescribed by the Foundation.

"(3) The amount of any grants allotted to any group pursuant to this subsection shall not exceed 50 per centum

of the total cost of such project or production, except that not more than 20 per centum of the funds appropriated to the Foundation for the purposes of this section for any fiscal year may be available for allotment by the Foundation in such fiscal year without regard to such limitation in the case of any group which submits evidence to the Foundation that it has attempted unsuccessfully to secure an amount of funds equal to the grant applied for by such group, together with a statement of the proportion which any funds it has secured represent of the funds applied for by such group.

"(4) Any group shall be eligible for financial assistance pursuant to this section only if (A) no part of its net earnings inures to the benefit of any private stockholder, or stockholders, or individual or individuals, and (B) donations to such group are allowable as a charitable contribution under the standards of subsection (c) of section 170 of the Internal Revenue Code of 1954.

"(5) Except as otherwise provided in the second sentence of subsection (b) (3) of this section, the total amount appropriated to the Foundation for grants-in-aid to groups for any fiscal year shall be equal to the total amounts appropriated to the Foundation for grants-in-aid to States for such fiscal year.

"(b) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid, in a manner consistent with the declaration of policy set forth in the National Arts and Cultural Development Act of 1964, from the funds appropriated to the Foundation or otherwise obtained pursuant to section 206 (a) (3) or (4) of this title, to assist the several States in supporting existing projects and productions which are making a significant public contribution in one or more of the arts, and in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the several States. No portion of any moneys granted under this subsection shall be applied to the purchase, erection, preservation, or repair of any building or buildings, or for the purchase or rental of any lands.

"(2) In order to receive such assistance in any fiscal year, a State shall submit an application for such grants prior to the first day of such fiscal year and accompany such application with a plan which the Foundation finds—

"(A) designates a State agency (hereinafter in this title referred to as the 'State agency') as the sole agency for the administration of the State plan;

"(B) provides that funds paid to the State under this title will be expended solely on projects and produc-

tions approved by the State agency which carry out one or more of the objectives of this title; and

"(C) provides that the State agency will make such reports, in such form and containing such information, as the Foundation may from time to time require.

"(3) Each State which has a plan approved by the Foundation in effect on the first day of the fiscal year beginning July 1, 1965, or any succeeding fiscal year, shall be entitled to a maximum allotment in any such fiscal year of an amount equal to half the total amount appropriated to the Foundation for the purposes of this section for such fiscal year divided by the total number of States. In the event that any sum is remaining out of the maximum allotment available for grants to each State in any fiscal year after all allotments are made to States with approved plans in effect on the first day of such fiscal year, the Foundation, in its discretion, may grant the aggregate of such remaining sums or any portion thereof to any group eligible for financial assistance under subsection (a) of this section or State agency for projects and productions which the Foundation finds will encourage the arts in areas where such assistance will be of value. In making grants to any group pursuant to this subsection, the Foundation shall require matching

funds in accordance with the provisions of subsection (a) (3) of this section.

"(4) The amount of any grants allotted to any State or State agency pursuant to this subsection for any project or production shall not exceed 50 per centum of the total cost of such project or production.

"(c) Whenever the Foundation, after reasonable notice and opportunity for hearing to any group or State agency, finds that—

"(1) any such group is not complying substantially with the provisions of this title;

"(2) any such agency is not complying substantially with the terms and conditions of its State plan approved under this title; or

"(3) any funds granted to such group or agency under this title have been diverted from the purposes for which they were allotted or paid

the Foundation shall immediately notify the Secretary of the Treasury and the group or State agency concerned that no further grants will be made under this title with respect to such group or State agency until there is no longer any default or failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until the group or State repays or arranges the repayment of

the Federal funds which have been improperly diverted or expended.

"ADVISORY COMMITTEES, COUNCILS, OR PANELS

"SEC. 205. The Foundation may appoint persons other than trustees of the Foundation to committees, councils, or panels concerned with particular regions of the country or with particular aspects of the arts, or both, to advise and consult with the Foundation with respect to the duties of the Foundation and the projects and productions for which financial assistance is sought by groups and States. Such appointments shall be made without regard to the civil service laws and regulations.

"ADMINISTRATIVE POWERS AND DUTIES OF THE FOUNDATION

"SEC. 206. (a) The Foundation is authorized to—

"(1) prescribe such rules and adopt such bylaws as it deems necessary to govern the manner of its operation and its organization and personnel, and to implement any of the provisions of this title;

"(2) make expenditures, and enter into contracts or other arrangements, as may be necessary for administering the provisions of this title, without regard to the provisions of section 3709 of the Revised Statutes (4 U.S.C. 5);

"(3) acquire by loan or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

"(4) receive and use funds or marked gifts or property donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Foundation;

"(5) accept and utilize the services of voluntary and uncompensated personnel;

"(6) pay fees for and enter into contracts with persons for the performance of services required by the Foundation;

"(7) pay to persons rendering services to the Foundation on an uncompensated basis or on a fee or contract basis, as provided in paragraphs (5) and (6) of this subsection, travel and subsistence expenses while away from their homes or regular places of business in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations; and

"(8) maintain an office in the District of Columbia.

"(b) The Foundation is authorized to procure assistance, as specified herein, from any department, agency,

and instrumentality of the executive branch of the Government, or any independent agency of the United States, with the consent of the head thereof, and each such department, agency, or instrumentality is authorized to render such assistance to the Foundation by the donation or loan of employee services and by the donation or loan of supplies, office or building space, or other property, either on a reimbursable or nonreimbursable basis, upon request made by the Director or Deputy Director of the Foundation.

"(c) The Foundation shall not itself produce or present any project or production.

"(d) Not later than ninety days after the end of each fiscal year, the Foundation shall submit to the President and the Congress an annual report summarizing the activities of the Foundation and making such recommendations as it may deem appropriate.

"STAFF OF THE FOUNDATION

"SEC. 207. The Director shall, in accordance with such policies as the Foundation shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of the civil service laws and regulations and the Classification Act of 1949, as amended, except that the Director may, in accordance with

such policies as the Foundation shall from time to time prescribe, employ such technical and professional personnel or personnel with experience in or relating to any of the arts, and fix their compensation without regard to such laws, as he may deem necessary for the discharge of the responsibilities of the Foundation under this title.

"COMPENSATION OF THE TRUSTEES OF THE FOUNDATION AND THE MEMBERS OF ITS COUNCILS, COMMITTEES, AND PANELS

"SEC. 208. The trustees of the Foundation, and the members of the councils, committees, and panels shall receive compensation at a rate to be fixed by the President in the case of the trustees, and by the Foundation in the case of the members, but not to exceed $75 for each day in which they are actually engaged in the business of the Foundation pursuant to authorization of the Foundation, and shall be allowed travel and subsistence expenses while away from their homes or regular places of business in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations.

"APPROPRIATIONS

"SEC. 209. (a) For the purpose of making grants authorized in section 204 of this title, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1965, such sum, not exceeding $5,000,000, and for each fiscal year

thereafter such sum, not exceeding $10,000,000 annually, as the Congress may determine. The moneys appropriated to the Foundation shall remain available for expenditure for two years following the expiration of the fiscal year for which appropriated.

"(b) Moneys received by the Foundation under section 206(a) (3) and (4) of this title, shall not be covered into the Treasury as miscellaneous receipts, but shall be kept in a special account, maintained by the Treasury Department, or kept by the Foundation in commercial banking institutions, or invested in securities eligible for trust funds in the District of Columbia, and shall be available to the Foundation for the purposes of this title.

"(c) The Director shall determine any payments to be made under this title and certify to the Secretary of the Treasury the amounts thereof. Upon receipt of such certification, the Secretary of the Treasury shall, prior to audit or settlement by the General Accounting Office, pay in accordance with such certification. Sums allotted to any group or State for any fiscal year under this title and not transferred during that fiscal year shall remain available to such group or State for the same purposes for the next fiscal year in addition to the sums allotted for such next fiscal year.

"(d) There are hereby authorized to be appropriated

such sums as are necessary to administer the provisions of this title.

"DEFINITIONS

"SEC. 210. As used in this title—

"(a) The term 'the arts' means (1) the major art fields including music (instrumental and vocal), drama, dance, folk art, literature, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, and radio; and (2) the arts related to the presentation, performance, execution, and exhibition of such major art fields.

"(b) The term 'production' means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, and radio, and any other activities involving the execution or rendition of the arts and meeting such standards as the Foundation may establish.

"(c) The term 'project' means programs organized by groups, States, and State agencies to carry out the purposes of this title, including programs to foster American artistic creativity, to train artists, to commission works of art, and to develop and enhance knowledge and understanding of the arts.

"(d) The term 'group' includes any society, institution,

organization, association, museum, or establishments, whether or not incorporated."

89TH CONGRESS
1ST SESSION

S. 310

A BILL

To amend the National Arts and Cultural Development Act of 1964 to authorize the National Council on the Arts to accept and receive bequests, gifts, and donations for use in carrying out the purposes of such Act, and to establish the National Arts Foundation.

By Mr. JAVITS, Mr. COOPER, Mr. DOUGLAS, Mr. LONG of Missouri, Mr. METCALF, Mr. PELL, Mr. RANDOLPH, Mr. SCOTT, and Mr. YARBOROUGH

JANUARY 7, 1965
Read twice and referred to the Committee on Labor and Public Welfare

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT — ALINE B. SAARINEN
BURNHAM KELLY — HIDEO SASAKI
THEODORE ROSZAK — JOHN CARL WARNECKE
CHARLES H. ATHERTON, Secretary

12 March 1965

INTERIOR DEPARTMENT BUILDING
WASHINGTON

Dear Mr. Chairman:

I am writing in reply to your request for the views of the Commission of Fine Arts on S. 315, 89th Congress, a bill "To establish a National Arts Foundation."

The Commission of Fine Arts believes that a National Arts Foundation as proposed in S. 315 is basically a sound concept and is in favor of the establishment of such a foundation. However, we feel that the objectives of the National Arts Foundation proposed in S. 315 would be better served by the methods of implementation outlined in S. 1463, a similar bill, which would place the closely related fields of the arts and the humanities under a single foundation, with a separate funds program, chairman and council for each.

Therefore, the Commission does not recommend passage of S. 315.

The Bureau of the Budget has adised that it has no objection to the submission of this report from the standpoint of the Administration's program.

For the Commission of Fine Arts:

Sincerely yours,

William Walton

William Walton
Chairman

Honorable Lister Hill
Chairman
Committee on Labor and Public Welfare
United States Senate
Washington, D. C.

EXHIBIT #1

89TH CONGRESS
1ST SESSION

H. R. 4663

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1965

Mr. SPRINGER introduced the following bill; which was referred to the Committee on the District of Columbia

A BILL

To provide for the preservation of buildings in the Nation's Capital which are of historic and cultural importance, to provide that the Commission of Fine Arts shall report to the Commissioners of the District of Columbia regarding such buildings, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section and section 2 of the Act entitled "An Act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital", approved September 22, 1950 (64 Stat. 903, 904), are amended to read as follows:

"That in view of the provisions of the Constitution

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respecting the establishment of the seat of the National Government, the duties it imposed upon Congress in connection therewith, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, it is declared to be the policy of the Congress that the development of the District of Columbia should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and in order that this policy be effectuated a reasonable degree of control should be exercised over the architecture of private and public buildings in the District of Columbia.

"SEC. 2. In order to carry out the policy of the Congress set forth in the first section of this Act, promote the general welfare, and preserve and protect the places and areas possessing historical and cultural interest, or having exterior architectural features which are examples of the best types of architecture used in the National Capital in the earlier years, the Commissioners of the District of Columbia, before issuing any permit for the construction, alteration, reconstruction, or razing of any building, whether public or private, within the District of Columbia shall refer the plans to the Commission of Fine Arts for a report as to the historical and cultural values involved as well as to the exterior architectural features, height, appearance, color, and

texture of the materials of exterior construction which is subject to public view from a public highway. The Commission of Fine Arts shall report promptly to the Commissioners of the District of Columbia its recommendations, including such changes, if any, as in the judgment of the Commission are necessary and desirable to preserve the historic and cultural values of the District of Columbia, but if the Commission of Fine Arts fails to submit a report on such plans within forty-five days, its approval thereof shall be assumed and a permit may be issued. The Commissioners of the District of Columbia shall take such action on such permit as in their judgment is right and proper in the circumstances."

SEC. 2. The title of such Act of September 22, 1950, is amended by striking out "Georgetown area of the".

SEC. 3. The Act entitled "An Act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital", approved May 16, 1930 (40 U.S.C. 121), is repealed.

SEC. 4. The amendments made by this Act shall take effect thirty days after the date of its enactment.

89TH CONGRESS
1ST SESSION

H. R. 4663

A BILL

To provide for the preservation of buildings in the Nation's Capital which are of historic and cultural importance, to provide that the Commission of Fine Arts shall report to the Commissioners of the District of Columbia regarding such buildings, and for other purposes.

By Mr. SPRINGER

FEBRUARY 9, 1965

Referred to the Committee on the District of Columbia

H. R. 737-0278

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT — ALINE B. SAARINEN
BURNHAM KELLY — HIDEO SASAKI
THEODORE ROSZAK — JOHN CARL WARNECKE
CHARLES H. ATHERTON, Secretary

INTERIOR DEPARTMENT BUILDING
WASHINGTON

31 March 1965

Dear Mr. Chairman:

I am writing in reply to your request for the views of the Commission of Fine Arts on H.R. 4663, 89th Congress, a bill "To provide for the preservation of buildings in the Nation's Capital which are of historic and cultural importance, to provide that the Commission of Fine Arts shall report to the Commissioners of the District of Columbia regarding such buildings, and for other purposes."

The Commission of Fine Arts believes that the preservation of buildings of historic and cultural significance in the District of Columbia is necessary and desirable. In the past all too little consideration has been given to preserving the considerable number of historic structures scattered throughout the City of Washington. However, we do not believe that amendment of the Old Georgetown Act (Public Law 808) to include the entire District of Columbia is either the most appropriate or the most effective method which might be devised to ensure this preservation.

Old Georgetown is a specific, well-defined city within the city of Washington. It was already a full-fledged self-possessed community when the Nation's Capital was still in the most rudimentary planning stages. As it now stands, Georgetown is a visible record of the architectural features and examples of the type of architecture common in the Nation's Capital in its initial years.

Public Law 808 was designed to protect this unique historic character of the Georgetown enclave. The Commission of Fine Arts feels that it would be inappropriate to apply the same rigid architectural criteria for Georgetown to the entire District of Columbia, an area of much greater size, diverse purposes and activities, where the buildings of historic and cultural significance are widely separated and of various architectural styles.

Therefore, although the Commission of Fine Arts agrees in principle with the purposes of this proposed legislation, we do not recommend

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passage of H.R. 4663 in its present form.

The Bureau of the Budget has advised that it has no objection to the submission of this report from the standpoint of the Administration's program.

For the Commission of Fine Arts:

Sincerely yours,

William Walton

William Walton
Chairman

Honorable John L. McMillan
Chairman
Committee on the District of Columbia
U.S. House of Representatives
Washington, D. C.

A BILL

To authorize the Commissioners of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under said streets and the correction of dangerous conditions of vaults in or vault openings on public space, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

TITLE I--SHORT TITLE, STATEMENT OF FINDINGS AND POLICY DEFINITIONS

Sec. 101. This Act may be cited as the "District of Columbia Public Space Utilization Act".

Sec. 102. The Congress finds that there is demand in the District for the use of public space for private gain by the owners of property abutting such space, or by the operators of businesses on such property. The Congress further finds that much of the use that is presently being made of such space by such owners or operators, and much of the use that is proposed to be made thereof, would not be in derogation of the rights of

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the general public to use such space if a determination be made by the Commissioners that some or all of such space is not required for the use of the general public and may be made available for use, for business purposes, by or with the consent of the owners of the private property abutting such public space, subject to the payment of adequate compensation for the use of such public space, and subject to the discontinuance of such use to the extent that the Commissioners may later determine such space to be required for the use of the general public, including use by a public utility company. The Congress therefore declares that public space in the District which the Commissioners find is not required for the use of the general public may be made available by them for use, for business purposes, by or with the consent of the owners of private property abutting such space, upon payment to the District of compensation for the use of such space, and on the condition that such use will be discontinued in whole or in part whenever the Commissioners determine that all or part of the public space is required for the use of the general public.

Sec. 103. As used in this Act, unless the context requires otherwise--

"Commissioners" means the Commissioners of the District or their designated agent.

"District" means the District of Columbia.

"Owner" means (1) any person, or any one of a number of persons, in whom is vested all or any part of the beneficial ownership, dominion, or title of property; (2) the committee, conservator, or legal guardian of an owner who is non compos mentis, a minor child, or otherwise under a disability; or (3) a trustee elected or appointed, or required by law, to execute a trust, other than a trustee under a deed of trust to secure the repayment of a loan.

"Parking" means that area of public space which lies between the property line and the edge of the actual or planned sidewalk which is nearer to such property line, as such property line and sidewalk are shown on the records of the District.

"Property" means real property.

"Property line" means the line of demarcation between privately-owned property fronting or abutting a street and the publicly-owned property in the line of such street.

"Public Space" means all the publicly-owned property between the property lines on a street, as

such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking between such property lines.

"Street" means a public highway as shown on the records of the District, whether designated as a street, alley, avenue, freeway, road, drive, lane, place, boulevard, parkway, circle, or by some other term.

"Vault" means a structure or an enclosure of space beneath the surface of the public space, including but not limited to tanks for petroleum products, except that the term "vault" shall not include public utility structures, pipelines or tunnels constructed under the authority of subsection (d) of the Act approved December 20, 1944, as amended (§1-244(d), D. C. Code, 1961 ed.), or structures or facilities of the United States or the District of Columbia. If such structure or enclosure of space be divided approximately horizontally into two or more levels, the term "vault" as used in this Act shall be considered as applying to one such level only, and each such level shall be considered a separate vault within the meaning of this Act.

Sec. 104. Nothing contained in this Act shall be construed as requiring the Commissioners to assess and collect rent from the government of the United States, the government of the District of Columbia, or any foreign government, for the use, in accordance with the provisions of titles II and III, of public space abutting property owned by any such government, nor shall any such government be subject to the payment of any rent required by this Act.

TITLE II--RENTAL OF PUBLIC SPACE ON OR ABOVE THE SURFACE

Sec. 201. The Commissioners are authorized to provide by regulation for the rental of portions of public space on or above the surface of the pavement or the ground, as the case may be, and not actually required for the use of the general public, for such period of time as the said space may not be so required or for any lesser period: Provided, That nothing herein contained shall be construed as requiring the Commissioners to require the payment of rent as a condition to the use of public space (1) in accordance with the provisions of regulations heretofore or hereafter promulgated by the Commissioners under the

authority of the first paragraph under the caption "District of Columbia" of the Act approved March 3, 1891 (27 Stat. 868), as amended (§5-204, D.C. Code, 1961 ed.); (2) by a public utility company for the installation and maintenance of any of its equipment or facilities, under permit issued by the District; or (3) for the sale of newspapers of general circulation: Provided further, That the proposed rental of public space within the area of the District of Columbia subject to the provisions of the Act approved May 16, 1930 (46 Stat. 366), as amended (§§5-410 and 411, D. C. Code, 1961 ed.), shall be submitted to the Commission of Fine Arts in accordance with the provisions of such Act of May 16, 1930. The regulations adopted by the Commissioners shall provide that public space rented under the authority of this title shall be rented only to the owner of property fronting and abutting such public space; that any person using such space shall not acquire any right, title, or interest therein; that both the United States and the District of Columbia, and the officers and employees of each of them, shall be held harmless for any loss or damage arising out of the use of such space, or the discontinuance of any such use;

that the Commissioners may require such space to be vacated upon demand by them and its use discontinued, with or without notice, and with no recourse against either the United States or the District for any loss or damage occasioned by any such requirement; and that if any such use be not discontinued by the time specified by the Commissioners, the said Commissioners may remove from such space any property left thereon or therein by any person using such space under the authority of this title, at the risk and expense of the owner of the real property abutting such space.

Sec. 202. The Commissioners shall by regulation provide for the payment of rent for the use of public space as authorized by this title. The annual rent for such space shall be a fair and equitable amount fixed by the Commissioners from time to time in accordance with regulations adopted by them, generally establishing categories of use and providing that the rent for each category of use shall bear a reasonable relationship to the assessed value of the privately-owned land abutting such space, depending on the nature of the category of use and the extent to which the public space may be utilized for such purpose, but

in no event shall the annual rent for the public space so utilized be at a rate of less than four per centum per annum of the current assessed value of an equivalent area of the privately-owned space immediately abutting the public space so utilized. Such rent shall be payable in advance for such periods as may be fixed by the Commissioners. In the event the Commissioners require any person using public space under the authority of this title to vacate all or part of any space for which rent has been paid, the Commissioners are authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid.

Sec. 203. The Commissioners are authorized, with respect to property subject to the requirements of section 2 of the Act approved May 31, 1900 (31 Stat. 248; §7-117, D. C. Code, 1961 ed.), to allow the same use to be made of such property as, under the authority of this title, they allow to be made of the public space abutting such property. Any such use of such property shall be subject to the same conditions as are applicable to the use of the abutting public space, with the exception of the payment of rent.

TITLE III--RENTAL OF SUBSURFACE PUBLIC SPACE

Sec. 301. Section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved September 1, 1916 (39 Stat. 716), as amended (§7-901, D.C. Code, 1961 ed.), is hereby repealed, and all permits for the use of public space issued by the Commissioners under the authority of such Act are revoked as of the effective date of this title.

Sec. 302. The Commissioners are authorized to issue a permit for the use of a vault constructed prior to the effective date of this Act, or for the construction of a vault after such effective date, only to the owner of the real property abutting the public space in which such vault is or will be located. The issuance of each such permit shall be conditioned on the prior execution by such owner of an agreement acknowledging, for himself, his heirs and assigns, (1) that no right, title, or interest of the public is thereby acquired, waived, or abridged; (2) that the Commissioners may inspect

such vault during regular business hours; (3) that the Commissioners may introduce or authorize the introduction into or through such vault, with right of entry for inspection, maintenance, and repair, of any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction, which the Commissioners deem necessary in the public interest to place in or through such vault; (4) that such vault will be changed by the owner, or by the District at the expense of such owner, to conform with any change made in the street, roadway, or sidewalk width or grade; and (5) that rental for such vault will be paid to the District as required by this Act. A copy of such agreement shall be recorded in the office of the Recorder of Deeds by and at the expense of such owner.

Sec. 303. The Commissioners are authorized and directed to assess and collect rent from the owners of abutting property for any vault located in the public space abutting such property, unless such vault shall have been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Commissioners.

Sec. 304. Each owner of property abutting public space in which a vault is located shall pay an annual rent fixed from time to time by the Commissioners for such vault, but such annual rent shall not be less than $10, and such rent shall be subject to collection from said owner in the manner prescribed by this title, regardless of whether any use is made of such vault, and regardless of the extent of any use: Provided, That no rent for any rental year for a vault shall be charged to the owner of abutting property if said owner, prior to July 1 of such year, has notified the Commissioners in writing that he has abandoned such vault and has performed such work as may be required by the District in connection with the sealing off or filling of such vault, or both.

Sec. 305. (a) The owner of property abutting public space in which any vault is located, as such owner may be recorded in the real estate assessment records of the District, shall pay the rent established by the Commissioners for such vault. Such rent shall be payable annually for the year commencing July 1 and ending the following June 30, and shall be payable in full prior to the beginning of such year. In the case of vaults constructed between

July 1 and January 1 of any year, one-half of the annual rent for any such vault, as established by the Commissioners, shall be payable in full prior to the first of January immediately following the completion of such vault. In the case of vaults constructed between January 1 and July 1 of the succeeding year, no rent shall be charged for any vault completed within such period, but the owner of the property abutting the public space in which such vault is located shall, prior to the first of July immediately following the completion of any such vault, pay in full the annual rent established by the Commissioners for such vault, for the rental year commencing on such July 1. Interest at the rate of one per centum for each month or part thereof shall be charged in every case in which rent is not paid on or before the date on which any payment required by this section shall become due.

(b) In the event the Commissioners require or allow any person using subsurface public space under the authority of this title to vacate, voluntarily or involuntarily, all or part of any space for which rent has been paid, the Commissioners are authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and

by the length of time remaining in the period for which rent was paid: Provided, That the Commissioners may deduct from such prepayment any amount due the District in compensation for expenses to the District in connection with the use or abandonment of said space.

Sec. 306. (a) Whenever the Commissioners determine that any vault is unsafe or is not in use, or the space occupied by such vault is required for street improvements, or the construction or extension of sewers, water mains or public utility facilities, the Commissioners are authorized to serve upon the owner of property abutting public space occupied by such vault an order requiring such owner to remove in whole or in part, reconstruct, repair, or close such vault by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Commissioners. The failure or refusal of any such owner to comply with such order of the Commissioners within the time specified in such order shall constitute a violation of this Act.

(b) In the event that any owner of property abutting an unused or unsafe vault fails to remove in whole or in part, reconstruct, repair, or close the same by filling, sealing, or otherwise rendering

unusable in a manner satisfactory to the Commissioners within the time specified by them, the Commissioners are authorized to apply to the District of Columbia Court of General Sessions for, and the said Court is hereby authorized to issue, an order empowering the Commissioners to enter upon the property of such owner for the purpose of performing such work as may be necessary in connection with the removal, reconstruction, repair, or closure of such vault, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said Court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for one day each week for three consecutive weeks in a newspaper of general circulation in the District, and, if service of

process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District.

Sec. 307. Notwithstanding the provisions of the preceding section, whenever the Commissioners find that any vault or vault opening is in such condition as to be imminently dangerous to persons or property, they shall immediately notify the owner, agent, or other person in charge of the private property abutting the public space in which such vault or vault opening is located, to cause such vault or vault opening to be made safe and secure. The person or persons so notified shall be allowed until 12 o'clock noon of the day following the service of such notice in which to commence making such vault or vault opening safe and secure: Provided, That in a case where the public safety requires immediate action the Commissioners may enter upon the private property abutting the public space in which such vault or vault opening is located, with such workmen and assistants as may be necessary, and cause such vault or vault opening to be made safe and secure. In any case in which the Commissioners perform any work under the authority

of this section, the cost to the District of performing such work shall be charged against the private property abutting the public space in which such vault or vault opening is located, and shall be collected in the manner provided by section 308.

Sec. 308. (a) The Commissioners shall take such action as they in their discretion consider necessary or desirable to secure the payment to the District of rents due and payable on vaults; interest on late rental payments; the cost of any advertising required by this title; the cost to the District of sealing off, removing in whole or in part, filling, reconstructing, repairing or closing a vault or vault opening, or performing any other service in connection therewith; and interest at the rate of one per centum per month or part thereof in every case in which payment to the District for the cost of performing work authorized by this title is not made within thirty days after a bill for such cost shall have been rendered.

(b) Charges authorized to be made by this title and not paid within ninety days after the close of the fiscal year in which such charges accrue shall be levied by the Commissioners as a tax against the property

abutting the public space in which a vault is located, such tax to be collected as provided in this section. Such tax shall include, without limitation, rents due and payable on vaults, interest on late rental payments, costs for sealing off, removing in whole or in part, filling, repairing, reconstructing, or closing a vault or vault opening, interest on late payments of such costs, and any advertising required by this title. The tax authorized to be levied and collected under this section may be paid without interest within sixty days from the date such tax was levied. Interest of one-half of one per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of sixty days from the date such tax was levied. Any such tax may be paid in three equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of two years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest

and penalties thereon shall not have been paid in full prior to said sale.

Sec. 309. (a) The Commissioners are authorized to require that the use of a vault occupied or used under the authority of this Act shall be subject to the condition that the District shall have the right at any time to install or construct under, over, or through said vault any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction that the Commissioners may consider it necessary in the public interest to place in the space occupied by such vault, without compensation to the owner of the private property abutting the space in which such vault is located or to the person occupying or using such vault. Each person using or occupying a vault, upon notice from the Commissioners that a water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction is to be introduced in the space occupied by such vault, shall commence to move, and forthwith remove, if necessary, any boiler, pipe, wall, beam, machinery, or construction in or pertaining to said vault, or any fixture or other thing therein, without cost to the District, so as to leave

a space clear and sufficient in the judgment of the Commissioners for the introduction and maintenance of any such underground construction or installation. The Commissioners are further authorized to require each applicant for a permit to construct a vault in public space, as a condition precedent to the issuance of the permit, to agree for himself and his heirs and assigns that the Commissioners shall have the right to enter upon the premises at any time for the inspection and proper maintenance or repair of any public underground construction or installation in such vault, and that in case there is any change in the street, roadway or sidewalk above such vault, the vault shall be subject to a corresponding change, as directed by the Commissioners, without expense to the District of Columbia.

(b) In the event a person occupying or using a vault under the authority of this Act shall fail or refuse to perform or to permit the performance of any work required by the Commissioners under the authority of subsection (a), the Commissioners are authorized to apply to the District of Columbia Court of General Sessions for, and said Court is hereby authority to issue, an order empowering the

Commissioners to enter upon the private property abutting the public space in which such vault is located for the purpose of performing such work as may be necessary in connection with the construction or installation in such public space of any water pipe, gas pipe, sewer, conduit, other pipe, or other underground construction or installation that the Commissioners may consider it necessary or desirable to place in such space, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said Court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for one day each week for three consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by

publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District. The cost to the District of performing such work, including, without limitation, the reasonable cost to the District of securing the Court order authorized by this subsection and any advertising in connection therewith, shall be a charge which may be levied by the Commissioners as a tax against the property abutting the public space in which a vault is located, to be collected in the manner authorized by section 308.

Sec. 310. Nothing contained in this title shall be construed as authorizing the Commissioners to impose a rental charge for the use of any vault abutting real property on which is located a single or two-family dwelling occupied solely for residential purposes, but any such vault shall otherwise be subject to the provisions of this title.

TITLE IV--REGULATIONS, INSURANCE, NOTICE, PENALTY, CREDITING OF RENTAL PAYMENTS, AUTHORIZATION OF APPROPRIATIONS, SEPARABILITY PROVISION, COORDINATION WITH REORGANIZATION PLAN NO. 5 OF 1952 AND SECTION 2 OF THE ACT OF MAY 31, 1900, AND EFFECTIVE DATES

Sec. 401. The Commissioners after public hearing are authorized to make and promulgate regulations to carry out the purposes of this Act. The regulations initially adopted by the Commissioners under the authority of this section to carry out the purposes of title III shall become effective on the effective date of such title, if, not less than ten days prior to such date, the Commissioners have adopted such regulations and printed a notice of such adoption in a newspaper of general circulation in the District. Otherwise, the regulations adopted by the Commissioners under the authority of this section shall become effective ten days after notice of their adoption by the Commissioners has been printed in a newspaper of general circulation in the District.

Sec. 402. The Commissioners shall, in connection with authorizing the use of any public space under the authority of this Act, require the person authorized to use such space, prior to any such use, to secure a policy of public liability and property damage insurance

providing for such minimum limits of liability as may be required by the Commissioners, such policy to include the District and its officers and employees as additional parties insured, and to be cancellable only after thirty days written notice of such cancellation has been received by the Commissioners. No such use of public space shall be authorized or continued for any period unless such insurance is maintained in full force and effect during that period. Nothing herein contained shall be construed as requiring either the United States or the District to secure a policy of public liability and property damage insurance covering any use of public space by either of the said governments under the authority of this Act.

Sec. 403. (a) Any order or notice required by this Act to be served shall be deemed to have been served when served by any of the following methods: (1) when forwarded by certified mail to the last known address of the owner as recorded in the real estate assessment records of the District, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or

by a person of suitable age and discretion located at such address: Provided, That valid service upon the owner shall be deemed effected if such order or notice shall be refused by the owner and not delivered for that reason; or (2) when delivered to the person to be notified; or (3) when left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or (4) if no such residence or place of business can be found in the District by reasonable search, then if left with any person of suitable age and discretion employed at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said order or notice relates; or (5) if any such order or notice forwarded by certified mail be returned for reasons other than refusal, or if personal service of any such order or notice, as hereinbefore provided, cannot be effected, then if published for one day each week for three consecutive weeks in a daily newspaper published in the District; or (6) if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable

doubt, then if served on the owner of record in a manner hereinbefore provided. Any order or notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of orders or notices on natural persons holding property in their own right; and orders or notices to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District.

(b) In case such order or notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

Sec. 404. Any person who shall violate any provision of this Act shall be punished by a fine not exceeding $300 or by imprisonment for not more than ten days. In addition, such regulations as may be adopted by the Commissioners under the

authority of this Act may provide for the imposition of a fine of not more than $300 or imprisonment for not more than ten days for each and every day any public space is used or occupied in a manner or for a purpose specifically prohibited by the said regulations.

Sec. 405. Rent paid for the use of public space under the authority of this Act shall be deposited to the credit of such special funds or general fund of the District in such proportions as the Commissioners shall, in their discretion, determine.

Sec. 406. Appropriations to carry out the purposes of this Act are hereby authorized.

Sec. 407. If any provision of this Act or of the regulations promulgated under the authority of this Act is held invalid, such invalidity shall not affect other provisions either of this Act or of the said regulations which can be effected without the invalid provision, and to this end the provisions of this Act and the said regulations are separable.

Sec. 408. Nothing in this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952 (66 Stat. 824).

The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

Sec. 409. Nothing contained in this Act shall be construed to affect or diminish in any manner the authority vested in the Commissioners by section 2 of the Act approved May 31, 1900 (31 Stat. 248; §7-117, D. C. Code, 1961 ed.), with respect to streets heretofore or hereafter dedicated in accordance with the provisions of such Act, and to make use of the parking on any such street in accordance with the terms of the fourth proviso of such section 2, relating to the height of parking and the projection of buildings beyond the building line, the District's right of way through said parking for sewers and water mains free of cost, and the use of the parking by the District for the construction of sidewalks.

Sec. 410. Titles I and IV of this Act shall take effect on the date of approval of this Act. Title II shall take effect the first day of the first month which occurs more than thirty days after the Commissioners have first adopted and

promulgated regulations to carry out the purposes of such title. Title III shall take effect on the first day of July which occurs three months or more after the date of approval of this Act.

RFK:maw
1-26-65
CCL 8/89

19 April 1965

Dear Mr. Rommel:

I am replying to your request for the views of the Commission of Fine Arts regarding draft legislation on the charging of fees for certain uses of public space in the District of Columbia.

The Commission of Fine Arts is generally in favor of such legislation. We believe this legislation will tend to inhibit the use of public property for private profit which is a principle this Commission has long adhered to. In this respect, however, there is one use that we doubt would be restrained by such measures and that is the commercial parking of cars between building restrictions and property lines and sidewalks. In recent years, such use of public space has been, in our opinion, detrimental to the appearance of Washington streets. Not only do the cars themselves detract from the general scheme, but often the appearance of the attendents' sheds, soft drink machines and telephone booths find their way into this area and gradually add to the cluttered appearance along the sidewalk. The circulation of pedestrians, especially along downtown streets, is also often seriously hampered.

The Commission of Fine Arts therefore strongly recommends that the commercial parking of automobiles in public space be specifically prohibited in the proposed legislation.

While we realize the difficulties in enforcing present regulations that prohibit such uses as commercial parking in public space, we feel it would be much worse to make the use legal through the collection of fees by the District of Columbia Government. The financial returns thus received would in no way compensate for the great harm done to the public interest and good in maintaining the beauty of Washington streets.

Sincerely yours,

William Walton
Chairman

Mr. W. H. Rommel
Assistant Director for Legislative
Reference
Bureau of the Budget
Washington, D. C.

EXHIBIT N

MEETING OF THE COMMISSION OF FINE ARTS
16 March 1965

AM
10:15 I. CONVENE, ROOM 7000, INTERIOR DEPARTMENT BUILDING

II. ADMINISTRATION

1. Date of Next Meeting:
Executive Session: 13 April 1965, 10:15 a.m.
Open Session: 14 April 1965, 9:30 a.m.

2. Approval of Minutes of February 1965 Meeting

3. Proposed Amendments to Building Code; projections into public space

III. SUBMISSIONS-REVIEWS-INTERVIEWS

1. Department of the Army, Corps of Engineers

a. NCO Open Mess, Fort Myer

b. Enlisted Mens' Service Club, Fort Myer

c. NCO Family Housing, Fort Myer

2. Department of the Navy

a. Development of Washington Navy Yard

b. 1500 Man Dormitory, Bolling/Anacostia - Revised Design

c. 300 Units of Family Housing, Bolling/Anacostia-Revised Design

3. District of Columbia Government

a. Department of Highways and Traffic

(1) H Street Underpass - Proposed Design

(2) Inner Loop Freeway, Center Leg - Proposed Design

b. Department of Buildings and Grounds

(1) Fire House #9, U Street between 16th & 17th - Revised Design

(2) Junior Village School - Revised Design

(3) Elementary School, Nichols Avenue and Howard Road, S.E. - Proposed Design

4. D. C. Redevelopment Land Agency

Tenth Street Mall - Revised Design

5. Department of the Interior, National Park Service, National Capital Region

Lafayette Park Redevelopment - Revised Design

6. National Institutes of Health

Refrigeration Building - Revised Design

7. Department of State

Estimates of Replica of St. Gaudens Lincoln Statue, Lincoln Park, Chicago, for gift to Mexico

8. General Services Administration

Selection of Artist for Mural at Camden S.C. Post Office

9. District of Columbia Government, Department of Licenses and Inspections

Shipstead-Luce Act

(1) S.L. 65-108, 704 17th Street, N.W. - Office Building

3:00 (2) Preliminary Design for Apartment Building, 420 Third Street, N.W.

(Mr. Julian P. Green, Asst. Superintendent of Licenses & Permits; Mr. Julian Berla, architect)

(3) Building Applications, Appendix 1

Old Georgetown Act

3:30 (1) Georgetown University Medical Center - Revised Design (Mr. Green; Mr. Theodore F. Mariani, architect)

(2) O.G. 65-225, 1403 Wisconsin Avenue, N.W., Peoples Drug Store

(3) Building Applications, Appendix 2

4:00 10. National Capital Planning Commission

Report of Landmarks Committee

IV. LEGISLATION

1. S. 1483-Mr. Pell (for himself, Mr. Gruening and Mr. Javits)-89th C

   To provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes.

2. H.R. 6051-Mr.Moorhead-89thC

   Same as S. 1483

3. S. 111-Mr.Gruening-89thC

   To provide for the establishment of the National Humanities Foundation to promote progress, research, and scholarship in the humanities and the arts, and for other purposes.

4. S. 316-Mr. Pell-89thC

   Same as S. 111

5. H.R. 334-Mr. Moorhead-89thC

   Same as S. 111

6. S. 310-Mr. Javits-89thC

   To authorize the National Council on the Arts to accept and receive bequests, gifts and donations for use in carrying out the purposes of such Act, and to establish the National Arts Foundation.

7. S. 315 - Mr. Pell-89thC

   To establish a National Arts Foundation

8. H.R. 4663-Mr. Springer-89thC

   To provide for the preservation of buildings in the Nation's

Capital which are of historic and cultural importance, to provide that the Commission of Fine Arts shall report to the Commissioners of the District of Columbia regarding such buildings, and for other purposes.

9. Draft Legislation-Bureau of the Budget-89th C

To authorize the Commissioners of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under said streets and the correction of dangerous conditions of vaults in or vault openings on public space, and for other purposes.